

DEFENSE OF HAYWOOD TO CHARGE OF MURDER

Continued from Page 1.

cases of 100 men have not even been given the grace of a trial. As soon as the Western Federation of Miners was born the mine owners set about to destroy it and as the chief means of destruction they hired the Pinkerton detective agency, with one McParland at its head. We will show you that this agency has been busy slandering, following, working and lying to get these men. We will show that they have hired detectives and placed them in positions of responsibility as secretaries and presidents of local unions; that these hired men constantly advised the miners to strike and that when a strike was on they counselled violence, dynamite and murder. They did it at Telluride; they did it at Cripple Creek, and at many other places.

Federation Always Blamed.

"We will show that the Pinkerton Detective agency has been the chief factor in this case from the very beginning. They have organized themselves into a band to spread calumny against the Western Federation of Miners. We will show that in one case where a cage fell, because of defective machinery, and sixteen men were killed, it was laid to the Western Federation of Miners. Every illegitimate child born west of the Mississippi has been wrapped in swaddling clothes, hurried to Denver and laid on the doorstep of the Western Federation of Miners."

Mr. Darrow turned his attention to the Miners' Magazine. He said that probably many foolish and intemperate things were printed in it, but the editors had no college education and Moyer and Pettibone paid little attention to it.

"We will read to you matter from the Miners' Magazine not introduced by the state. We will show that they did not advise violence and that they counselled a wise administration and discussed the economic conditions temperately."

Coeur d'Alene Troubles.

Continuing, Mr. Darrow said: "This brings us to 1892 and the troubles in the Coeur d'Alene, when Steunenberg was governor. The Western Federation of Miners was getting along all right. Then something happened. An irresponsible mob of 1,000 people made up of miners and merchants, preachers and hangers-on and everyone who wanted a ride, went down and the Bunker Hill and Sullivan mines were blown up. The powder was furnished by a rival company. At that time Harry Orchard, who is in this case, had been there for a month carrying a union card. Jack Simpkins was in the Coeur d'Alene."

"Then came the call for troops. Rightly or wrongly, Steunenberg called for troops. Jack Simpkins was arrested and thrown into the 'bull pen.' He was maltreated. He was stood up at a post by a colored soldier and a bayonet was driven into his breast."

Orchard Not at Bunker Hill.

"Harry Orchard was in the Coeur d'Alene. Harry Orchard was a cheap soldier of fortune, a shoeing gambler who had never done a day's work in his life. He owned a sixteen share of the Hercules mine, but said it because of his needs and continued his gambling. The mine didn't make him rich. Harry Orchard, hoping on, stayed around to get a share of the mine."

"We don't think that Orchard was at the Bunker Hill & Sullivan mill. We will show he was not there, and we will show that he was engaged in his favorite work of gambling with the easiest mark he could find. We will show that he did not participate in most of the crimes which he has boasted. I don't like to take any of the bloom off a peach like that, but while we will show that he is not the monster he is made out to be, we will compensate him by proving him to be the most monumental liar that ever existed."

Agrees to Convince Hawley.

"Before our first witness leaves the stand, gentlemen, I will convince you; we will even convince Mr. Hawley himself that this man Orchard has lied about most of the essential points of his story. We will have from twenty-five to thirty witnesses who will take the stand and contradict this man absolutely. Some of these witnesses will be miners, but others will be eminently respectable people who have never done a day's work in their lives."

Here, as at other points in his speech, Mr. Darrow briefly sketched the wanderings of Orchard as related by the witness himself. Orchard remained in the Coeur d'Alene, he said, trying to regain possession of his one-sixteenth interest in the Hercules mine, until he was driven out by fear of arrest and confinement in the "bull pen."

Orchard's Lost Fortune.

"Then he wandered from place to place, seldom working," said Mr. Darrow. "He was a sort of gentlemanly miner who mined the miners. In 1902 he turned up in Cripple Creek. But from 1890 to 1902 this important personage in American history is all but lost to view. It is pretty certain, however, that during all that time he could be found in the back room of some saloon gambling."

"If Orchard today held his one-sixteenth interest in the Hercules mine he would be worth half a million dollars, but I think he'd rather have what he's got, because it is more valuable to the newspaper."

The Three Defendants.

Mr. Darrow said that when Orchard left the Coeur d'Alene after the blowing up of the Bunker Hill & Sullivan mill,

Haywood was but a plain, ordinary working miner in Silver City, Idaho, where he lived a greater part of his working life in the snow-capped mountains which can be seen from the Boise courtroom. It was not until 1901 that Haywood became secretary and treasurer of the Western Federation of Miners.

"That is a job," said Mr. Darrow, "which everybody believes there is money in except the man who holds it. It is like being mayor or senator. Moyer's position in 1890 was just as obscure as Haywood's, declared the miners' attorney, and as for Pettibone, he was not even a miner at that time. 'He ran a little store down in Denver,' continued Mr. Darrow, 'selling clothes, wringers, lace curtains, rugs, Bibles and other novelties on the installment plan. Pettibone had been a miner in 1892 in the Coeur d'Alene. He was arrested there and put in jail, and my friend Mr. Hawley got him out. He then decided to quit mining.'

Haywood Born in Utah.

Mr. Darrow went on to describe the three defendants in the Steunenberg murder in detail. He declared that Haywood was born in Utah—an American citizen whose forefathers came to America prior to the revolution.

"He is a plain, blunt, courageous fighting man," declared Mr. Darrow, "who leads the militia when necessary, fighting for the rights of the workman; fighting for the protection of the widows and orphans."

"And Moyer. What of Moyer? A plain, blunt, honest man, whose ancestry was honest men. Moyer was the man who, at the head of the Western Federation of Miners, fought every conceivable fight, and he has been born of such stock, will always fight. Moyer was a man whose sturdy honesty and quiet bravery won the confidence and held the respect of every one."

"And what about Pettibone. George Pettibone had never been a member of the Western Federation of Miners. He had mined and then started his store. A happy, careless, sunny man, with a laugh and a joke for everyone. There wasn't a man, woman or child on the street who was not his friend—not a same name could find a home in his woodshed. That was George Pettibone."

Pettibone, the attorney said, was never connected intimately in any way with the Western Federation of Miners.

Orchard at Cripple Creek.

Mr. Darrow then took up Orchard's life at Cripple Creek. He declared that Orchard burned a saloon and high graded at the very outset of his career. He went into the story of the alleged attempt to wreck the train of the Florence & Cripple Creek railroad, which he falsely been laid to the Western Federation of Miners, and declared the first time Haywood, Moyer or Pettibone were seen Orchard was when the man came to Denver on a pass and on money issued by D. C. Scott, chief of detectives of the Florence & Cripple Creek railroad.

"An oily, slimy fellow," Mr. Darrow termed the detective.

"Cripple Creek had become the Waterloo of the Western Federation of Miners in Colorado," said Mr. Darrow. "The mines circled around a strike, co-operative stores, libraries. It was flourishing and doing something until it took a chance and while the honest, hard-working miners in Colorado City."

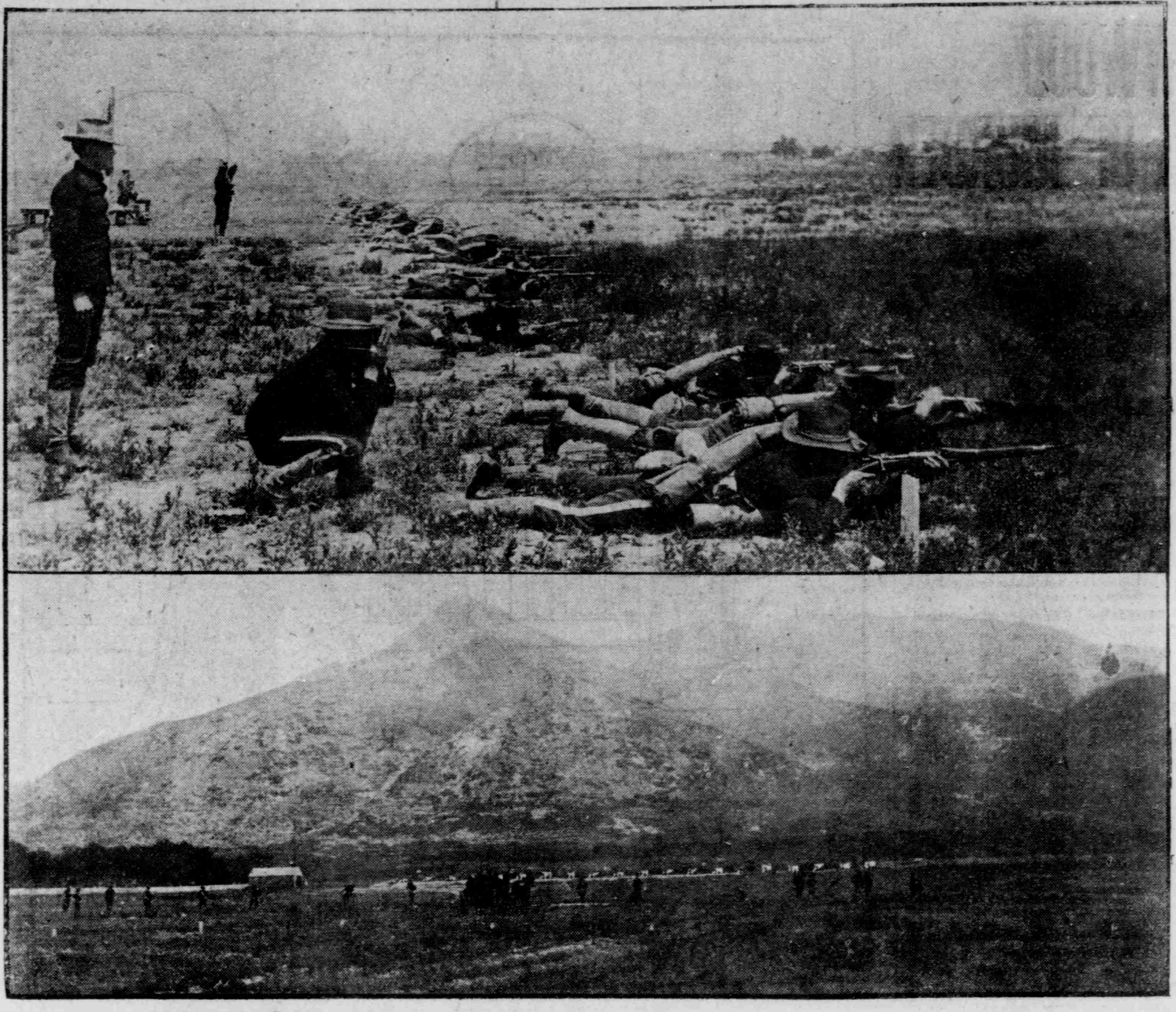
Plot of Railway Company.

Mr. Darrow said the attempt to wreck a train was a plot of the railway company and the Mine Owners' association. Orchard was the only one who was constantly in company with the detectives of the railroad and the mine owners. He was denied the privilege of passing the military lines, this leper Orchard went in and as he pleased General orders were issued that Harry Orchard should go and come when he wanted to, but he was not to be seen.

Blowing Up of Independence Depot.

Taking up next the blowing up of the Independence depot, Mr. Darrow said he did not know whether Orchard blew it up or not, but he was inclined to believe that he did not. The depot was a worthless building—a sidetrack strip for working trains. It wasn't worth a white chip," declared the attorney. But the mine owners, he said, were not so particular. Some of these witnesses will declare that something was coming off. I won't say that the mine owners or detectives wanted to kill anybody at this depot. Killing people was too messy for them. This depot was worthless and unused. If the powder could be touched off just before the train arrived and before the mine owners got there, it wouldn't kill anybody, but it would be another attempt in the line of the Western Federation of

ARMY TARGET PRACTICE AT DOUGLAS; REGIMENT INSPECTED BY GEN. THOMAS



The upper picture shows marksmen shooting at a distance of six hundred yards. The lower picture shows General Thomas' rig in the rear of the marksmen, and the white targets 200 yards distant.

Regular army target practice, which has been in progress on the ranges at Douglas for nearly a month past, will be completed by June 25. The practice includes all of the men at the post, approximately 700. The firing has been remarkably accurate, according to the testimony of the officers, but despite the records made, none of the men will enter the territorial contests because the Twenty-ninth will leave for the Philippines on Aug. 5. Some of the officers are already preparing for the voyage to the islands.

The practice at Fort Douglas is under command of Colonel Lockwood. Colonel Lockwood has designated Major Pendleton to take general supervision and Captain J. E. Woodward is in direct charge of the firing.

Good Records Made.

In the contests there are three general classes—marksmen, sharpshooters and experts. The distances range from 200 to 1,000 yards and places on the ranges are interchanged. Captain Woodward says that the result of the firing has been highly satisfactory from the beginning.

The most interesting part of the practice is the skirmish firing, which is done with full equipment of haversack, blanket and other accoutrements. In this practice the sharpshooters fire from different distances, advancing on the double quick. It is extremely trying work when a hot

sun is beating down. The experts will begin their firing at 8 o'clock this morning.

While it will not be possible for any of the Fort Douglas men who are now at target practice to attend the territorial competitions, Captain Allen and Lieutenants Parker and Point are now at Ft. Sheridan, Ill., where the national competition will be held in preliminary firing. Captain Allen scored second, Lieutenant Parker, thirteenth, and Lieutenant Point, twenty-sixth. There will be contestants from every post in the United States at the Fort Sheridan contest.

General Thomas Inspects Troops.

A striking spectacle at the fort last evening was the inspection of the troops by the department commander, Brigadier

name, and everything else. The money was sent as he requested.

Colorado Politics.

"During all this time Peabody, Goddard and Gabbert were all living in Denver. Not one of these men lifted a hand against them and not one of these men Haywood, Moyer or Pettibone—even spoke to Orchard about Peabody. Goddard and Gabbert, who are today safe and sound—safe, at least. I won't answer for their being sound."

"Like a hungry dog seeking a meal Orchard did at this time go to Pettibone's house and stayed there. Pettibone had come east and Pettibone told Orchard he might come there and stay. He did so because he could get cheap food and lodging."

"Yes, Orchard was in Haywood's house—also at this time and we can prove it. He said he was often and he was never in the bedroom."

Mr. Darrow quickly sketched the period of Orchard's travels from Denver to Wallace.

"Orchard ever was here in Boise," he said. "We know nothing of it, or if he saw Steunenberg here we know nothing of it, but we know that he did go to Wallace."

"It was the first time he had been in Wallace since he had been driven out by the militia. While there he saw Ed. Boyce and Hutton and August Paulson and his old associate, John Herk. They had all been as poor as he, but now they were rich and he was a tramp. Orchard told the matter as a gambler and confidence man in Wallace. He visited many persons whom he had known in the old days—among them Paulson. One day he went down to see Dave Coates, former lieutenant governor of Colorado, who will testify before you. Coates is a man without a blemish on his name and a man has to be pretty careful to live that way. Coates was running a semi-weekly paper in Wallace. He thought that he was doing in Wallace."

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say that Orchard while a detective in the employ of the agency killed Steunenberg because of the old grudge of which he had spoken so often. He killed him in the most cowardly way a murderer could be committed. He was caught red-handed and turned over to McParland, the head of the western branch of the Pinkertons. After some manipulation he was persuaded that the best thing he could do would be to place the blame on some one else, which he did. He is getting the biggest price for this he ever got for a crime. He hopes to save his miserable case.

Arrest of the Prisoners.

Coming to the arrest of Haywood, Moyer and Pettibone, Darrow charged that it was all done by the Pinkertons on a perjured affidavit. He described the capture in Denver. Haywood, Moyer and Pettibone, he said, were arrested, denied all the rights of citizens, kidnapped and held in the Boise jail, where in the jail they have been waiting for a year and five months for a jury to pass upon their case.

"Where Orchard was arrested," continued Mr. Darrow, "it was announced that he was a member of the Western Federation of Miners. Haywood was told of it and at once wired to Silver City instructing them to look after the case. We will show that it is a part of the plot of this organization to look after its members, no matter how obscure. Miller came and saw Orchard a few times but finding that McParland was also visiting him, Miller decided that McParland could do Orchard more good than he could and perhaps he was right."

"Many names have been mentioned by Harry Orchard of persons connected with him—generally in Cripple Creek. The union was scattered to the four winds from there, but we will bring before you nearly all of those whose names he has mentioned and who were with him at the time of the murder. We will show you that we are through with them you will say we have had enough."

Labor Union on Trial.

"Moyer, Haywood and Pettibone never had any connection with this man in any criminal act. We will demonstrate to you before we are through that this is not a murder case; that Bill Haywood is not on trial, but that the state of Colorado has sent these men to Idaho thinking conditions and people here are different and that the Mine Owners' association of Colorado might succeed in hanging, executing these men and taking the Western Federation of Miners through them. That labor organization and all labor organizations end not Bill Haywood are on trial here."

Mr. Darrow had spoken for three hours and twenty minutes. He was pretty well exhausted, and it was decided to postpone the taking of testimony until tomorrow morning. Mr. Darrow said he thought the defense would require more than seven or eight days to conclude its case. Court adjourned until 9:30 a. m. tomorrow.

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